IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETTION NO. 544 (S/S)OF 2005

Jai Prakash Gupta, son of Shri Shyam Babu Gupta, Marketing Inspector, Bhagwanpur, District Haridwar.

.....Petitioner.

Versus

1. State of Uttaranchal, through Secretary Department of Food and Civil Supplies, Secretariat Dehradun.
2. Commissioner, Food and Civil Supplies, Uttaranchal, Dehradun.

Respondents.

Ms. Menka Tripathi, learned counsel for the petitioner.
Learned Standing Counsel.

Dated:10.05.2005

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a mandamus directing the respondents to promote the petitioner to the post of Senior Marketing Inspector with effect from the date his junior has been promoted.

Further prayer has been made for the disposal of the representations filed by the petitioner from time to time regarding his adverse entries.

Petitioner now has confined his prayer only in respect of the disposal of the representations.

So far as the prayer of mandamus for getting the promotion is concerned, the petitioner is not pressing the same at this moment.

So far as the consideration of representations is concerned, the petitioner has prayed for deciding the representations (Annexure 3, 5 and 11 to the writ petition).

According to the case of the petitioner, he was appointed on the post of Marketing Inspector on 8th January, 1974 and he has been working on the said post and he has alleged that in his

entire service of 32 years, he was never awarded with any adverse entry except for the period 1995-96, which was given to him on 16.08.1996 whereby he was given category “bad” on account of an incident which occurred on 28.04.1995, when fire broke in the godown of Jarar Centre where the petitioner was posted.

On 27th October, 2004, the respondent no. 2 constituted a Departmental Promotion Committee to promote the Marketing Inspectors to the post of Senior Marketing Inspector and in pursuance of the aforesaid 12 Marketing Inspectors were promoted to the post of Senior Marketing Inspector vide order no. 649 dated 30.10.2004.

Petitioner has claimed that the persons junior to the petitioner have been promoted as Senior Marketing Inspector but the petitioner has not been considered in the same.

Petitioner, therefore, made representations regarding the communication about the adverse entries.

Therefore, without entering into the controversy with regard to the promotion or the adverse entries, I direct the respondent no. 2 to decide the representation of the petitioner dated 02.02.2005 within a period of six weeks in accordance with the law.

Subject to the aforesaid, the writ petition is disposed of.

(Rajesh Tandon, J.)

10.05.2005

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